

**Windham Properties, LLC
Cumberland County
Standish Maine
A-888-71-A-N**

**Departmental
Findings of Fact and Order
Air Emission License**

After review of the air emission license application, staff investigation reports, and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., Section 344 and Section 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

Windham Properties, LLC (Windham Properties), located in Standish, Maine has applied for an Air Emission License, permitting the operation of their rock crushing facility.

B. Emission Equipment

Rock Crushers

<u>Designation</u>	<u>Process Rate (tons/hour)</u>	<u>Control Device</u>	<u>Date of Manufacture</u>
Primary Jaw	200	Spray Nozzles	2004
Primary Cone	200	Spray Nozzles	2004

Diesel Units

<u>Source ID</u>	<u>Max. Capacity</u>	<u>Max. Firing Rate</u>	<u>Power Output</u>
Caterpillar 3306	2.18 MMBtu/hr	15.8 gal/hr diesel	310 hp
John Deere 6081H	2.18 MMBtu/hr	15.8 gal/hr diesel	310 hp

C. Application Classification

The application for Windham Properties is classified as non-major based on the diesel emissions and the small, unquantifiable rock crusher emissions. The license is for a non-major source and has been processed as such.

II. BEST PRACTICAL TREATMENT

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent best practical treatment (BPT), as defined in Chapter 100 of the Bureau of Air Quality regulations.

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

A. Rock Crushers

The rock crushers are portable units manufactured in 2004, each with a rated capacity of 200 tons/hr. EPA NSPS Subpart OOO for Nonmetallic Mineral Processing Plants applies to fixed rock crushers with capacities greater than 25 tons/hr and portable rock crushers with capacities greater than 150 tons/hr, constructed after August 31, 1983. Therefore, the rock crushers are subject to NSPS Subparts A and OOO.

The regulated pollutant from the rock crushers is particulate emissions. To meet the requirements of BACT for control of PM emissions from the rock crushers, Windham Properties shall operate and maintain water sprays on the rock crushers as needed. Visible emissions from each rock crusher shall be limited to no greater than 10% opacity on a six (6) minute block average basis.

B. Diesel Engines

Caterpillar 3306 and John Deere 6081H each have an approximate heat input of 2.18 MMBtu/hr, based on a power rating of 310 HP and based on 35% efficiency. BACT for the diesel engines is the following:

1. Annual fuel use is limited to 65,000 gallons.
2. MEDEP Chapter 106 regulates fuel sulfur content, however the use of 0.05% sulfur by weight fuel is BACT.
3. SO₂ emission data was based on fuel sulfur mass balance.
4. NO_x, CO and VOC emission limits are based upon AP-42 data dated 10/96 for diesel engines less than 600 horsepower.
5. PM and PM₁₀ emission rates were based upon BACT of 0.12 #/MMBtu.
6. Opacity from Caterpillar 3306 and John Deere 6081H each shall not exceed 20% on a six (6) minute block average basis, except for two (2) six (6) minute block averages in a 3-hour period.

C. Stock Piles and Roadways

Visible emissions from a fugitive emission source shall not exceed an opacity of 20 percent, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20 percent in any one (1) hour.

D. General Process Emissions

Visible emissions from a general process (including conveyor belts) shall not exceed an opacity of 10% on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 1-hour period.

E. Facility Emissions

- 65,000 gallons per year diesel fuel, 0.05% sulfur by weight maximum, in the diesel units (12 month rolling total).

Total Annual Emissions for the Facility
(used to calculate the annual license fee)

Pollutant	Total Tons/year
PM	0.5
PM ₁₀	0.5
SO ₂	0.2
NO _x	19.8
CO	4.3
VOC	1.6

III. AMBIENT AIR QUALITY ANALYSIS

According to the Maine Regulations Chapter 115, the level of air quality analyses required for a renewal source shall be determined on a case-by-case basis. Based on the above total facility emissions, Windham Properties is below the emissions level required for modeling and monitoring.

ORDER

Based on the above Findings and subject to conditions listed below the Department concludes that the emissions from this source:

will receive Best Practical Treatment,
will not violate applicable emission standards,
will not violate applicable ambient air quality standards in
conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-888-71-A-N subject to the following conditions:

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions. [MEDEP Chapter 115]
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [MEDEP Chapter 115]
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [MEDEP Chapter 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [MEDEP Chapter 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. § 353. [MEDEP Chapter 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [MEDEP Chapter 115]
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [MEDEP Chapter 115]
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [MEDEP Chapter 115]

- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [MEDEP Chapter 115]
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license. [MEDEP Chapter 115]
- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
- A. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - 1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 - 2. pursuant to any other requirement of this license to perform stack testing.
 - B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - C. submit a written report to the Department within thirty (30) days from date of test completion.
- [MEDEP Chapter 115]
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
 - B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that

there were intervening days during which no violation occurred or that the violation was not continuing in nature; and

- C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.

[MEDEP Chapter 115]

- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [MEDEP Chapter 115]

- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [MEDEP Chapter 115]

- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [MEDEP Chapter 115]

(16) **Rock Crushers**

- A. Windham Properties shall maintain spray nozzles for particulate control on the crusher and operate them as necessary to limit visible emissions to no greater than 10% opacity on a six (6) minute block average basis. [MEDEP Chapters 115 (BACT) and 101]
- B. Windham Properties shall maintain a log detailing the maintenance on the water spray nozzles. The maintenance log shall be kept on-site at the rock crushing location. [MEDEP Chapter 115, BACT]
- C. Windham Properties shall maintain a log detailing and quantifying the hours of operation on a daily basis for the rock crusher. The operation log shall be kept on-site at the rock crushing location. [MEDEP Chapter 115, BACT]

- D. The primary jaw and primary cone crushers each are subject to 40 CFR Part 60 Subparts A and OOO and Windham Properties shall comply with the notification and record keeping requirements of 40 CFR Part 60.676 and Part 60.7, except for Section (a)(2) of 60.7 per Subpart OOO, §60.676(h). [40 CFR Part 60 Subpart OOO]
- E. Windham Properties shall have an initial performance test performed on the primary jaw and primary cone crushers per the applicable sections of 40 CFR Part 60, Subpart OOO, §60.675. This consists of a certified Method 9 observation. The performance test shall be completed within 60 days after achieving the maximum production rate at which the unit will be operated, but no later than 180 days after initial startup of the unit. Windham Properties shall submit a test notice to the regional inspector at least 30 days prior to the performance test. Any rescheduled test requires a 7 day notice to the regional inspector. [40 CFR Part 60 Subpart OOO]

(17) **Diesel Engines**

- A. Total fuel use in Caterpillar 3306 and John Deere 6081H shall not exceed 65,000 gal/year of diesel fuel (12 month rolling total), with a sulfur content not to exceed 0.05% by weight. Fuel use records and receipts (showing the quantity and percent sulfur of the fuel) for the diesel engines shall be maintained to demonstrate compliance.
[MEDEP Chapter 115, BACT]
- B. Emissions from Caterpillar 3306 and John Deere 6081H each shall be limited to the following [MEDEP Chapter 115, BACT]:

<u>Pollutant</u>	<u>lb/hr</u>
PM	0.26
PM ₁₀	0.26
SO ₂	0.11
NO _x	9.61
CO	2.07
VOC	0.76

- C. Visible emissions from Caterpillar 3306 and John Deere 6081H each shall not exceed 20% on a six (6) minute block average basis, except for two (2) six (6) minute block averages in a 3-hour period.
[MEDEP Chapter 101]

(18) **Stockpiles and Roadways**

Visible emissions from a fugitive emission source shall not exceed an opacity of 20 percent, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20 percent in any one (1) hour. [MEDEP Chapter 101]

(19) **Equipment Relocation** [MEDEP Chapter 115, BACT]

A. Windham Properties shall notify the Bureau of Air Quality, by a written notification at least 48 hours prior to relocation of any equipment carried on this license. The notification shall be sent to the address below or to a Department Regional Office:

Attn: Relocation Notice
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

The notification shall include the address of the equipment's new location, an identification of the equipment and the license number pertaining to the relocated equipment. Written notice may be sent by mail, facsimile (fax), or e-mail.

B. Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification will be made to the respective county commissioners.

(20) Windham Properties shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order.
[MEDEP Chapter 115, BACT]

(21) Windham Properties shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard (Title 38 MRSA §605-C).

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(22) Payment of Fees

Windham Properties shall pay the annual air emission license fee within 30 days of **June 30th** of each year. Pursuant to 38 MRSA §353-A, failure to pay this annual fee in the stated timeframe is sufficient grounds for revocation of the license under 38 MRSA §341-D, subsection 3. [38 MRSA §353-A]

DONE AND DATED IN AUGUSTA, MAINE THIS DAY OF 2004.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAWN R. GALLAGHER, COMMISSIONER

The term of this license shall be five (5) years from the signature date above.

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: April 5, 2004

Date of application acceptance: April 7, 2004

Date filed with the Board of Environmental Protection _____

This order prepared by Mark E. Roberts, Bureau of Air Quality